

STATUS OF CLAIMS

Claims 1-11, 14-17 and 35-40 are pending.

Claims 1-11, 14-17 and 35-40 stand rejected.

Claims 1 and 15 have been amended without prejudice herein.

REMARKS

35 U.S.C. 102(b) Rejections

Claims 1-8, 10-11, 14-17, 36-37 and 39 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ota (United States Patent No. 3,668,106). Applicant traverses these rejections for at least the following reasons.

A claim is anticipated pursuant to 35 U.S.C. 102 only if each and every element set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *See, Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In other words, in order for a prior art reference to anticipate a claim, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). And, each of the claim elements must be arranged as required by the claim. *See, In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Ota fails to teach the configuration of Claim 1 – and hence fails to anticipate it as a matter of law.

The Office action refers to the configurations of Figs. 7 and 8 of Ota teach the recited invention of Claim 1. *See, 8/16/2006 Office action, par. 3.* More particularly, the Office action argues Figs. 7 and 8a, 8b of Ota teach a plurality of cells in fluid communication with one another. *See, 8/16/2006 Office action, p. 3, ll. 1-2.* However, as noted in Applicant's previous response, none of the configurations of Figs. 7, 8a or 8b illustrate the claimed invention.

For example, the embodiments of Figs. 7, 8a and 8b of Ota all fail to include a plurality of cells. The embodiment of Fig. 7 of Ota illustrates a housing 3 having spaced-opposed walls 4, 5, each supporting an electrode X_x or Y_x . See, e.g., col. 6, ll. 6-17. A suspension layer 22 is positioned between the housing walls 4, 5. See, e.g., col. 6, ll. 1-5. However, no cells are provided therein. A detailed review of Fig. 7 itself confirms this, as it illustrates an uninterrupted suspension layer 22. Accordingly, and contrary to the assertions of the Office action, Fig. 7 of Ota fails to teach or suggest a plurality of cells. The embodiments of Figs. 8a and 8b are similarly deficient.

Nonetheless, for purposes of expediting prosecution of the subject application, Applicant has amended Claim 1 to recite, *inter alia*, “a plurality of walls contained within the space and defining a plurality of cells in fluid communication with one-another, wherein adjacent ones of the walls extend from one of the first and transparent electrodes towards the other of the first and transparent electrodes and define a corresponding one of the cells.” Applicant submits that the embodiments of Figs. 7, 8a and 8b of Ota clearly fail to teach or suggest such a plurality of walls defining cells in fluid communication with one another. Further, Applicant notes that with regard to walls and cells, Ota teaches, “[t]he advantages of dividing the suspension layer into a plurality of suspension units are as follows: a uniform display can be produced because flow of the suspension is restricted to the interior of each space.” Col. 10, ll. 22-25.

For purposes of completeness, Applicant submits support for the amendments to Claim 1 can be found throughout the specification, such as on page 6, at lines 12-23 and in Fig. 5b, by way of example only. Accordingly, no new matter has been added.

Accordingly, Applicant respectfully requests reconsideration and removal of the rejection of Claim 1 as being anticipated by Ota, as Ota fails to teach or suggest, at least, “a plurality of walls contained within the space defining a

plurality of cells in fluid communication with one-another, wherein adjacent ones of the walls extend from one of the first and transparent electrodes towards the other of the first and transparent electrodes and define a corresponding one of the cells” – as is recited by amended Claim 1.

Dependent Claims 2-8, 10-11, 14 and 36 are similarly distinguishable over Ota, at least by virtue of these claims’ ultimate dependency upon a patentably distinct base Claim 1.

Independent Claim 15 as amended recites:

A multi-color electrophoretic image display comprising:
pixels of at least two different colors, the pixels defined by electrophoretic particle-containing cells each having adjacent side-walls being formed on a first electrode, and
a second transparent electrode, separated from said first electrode by a spacer such that the electrophoretic particle-containing cells are in fluid communication with one-another,
wherein the electrophoretic particles, in selected ones of the cells, are partially confined by the side-walls and electrophoretically movable to and from adjacent positions on said transparent second electrode and reflect light entering the display; and light reflected from one of the cells is a different color than light reflected from another of the cells being adjacent to the one of the cells. (emphasis added)

Accordingly, Claim 15 is similarly distinguishable from Ota for at least the reasons set forth above with regard to Claim 1.

Regarding Claims 16 and 17, Applicant submits these claims are similarly distinguishable over Ota, at least by virtue of these claims’ ultimate dependency upon a patentably distinct base Claim 15.

35 U.S.C. 103(a) Rejections

Claim 9 stands rejected as being unpatentable over Ota in view of Check III (United States Patent 5,467,217). Applicant requests reconsideration and

removal of this rejection, at least by virtue of this claim's ultimate dependency upon a patentably distinct base Claim 1.

Claim 35 stands rejected as being unpatentable over Ota in view of Iwanaga (United States Patent 5,739,946). Applicant requests reconsideration and removal of this rejection, at least by virtue of this claim's ultimate dependency upon a patentably distinct base Claim 1.

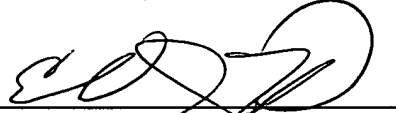
Claims 38 and 40 stand rejected as being unpatentable over Ota in view of Hanji (JP 01-211735). Applicant requests reconsideration and removal of these rejections, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 1. Further, Applicant notes Hanji discloses walls installed alternately from two electrodes, such that adjacent ones of the walls do not extend from one of the first and transparent electrodes towards the other of the first and transparent electrodes and define a corresponding one of the cells.

CONCLUSION

In view of the foregoing, Applicants believe they have addressed all outstanding grounds raised in the present Office action, and respectfully submit the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicants' undersigned attorney at his number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward J. Howard', written over a horizontal line.

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Dated: October 30, 2006